

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**TAMMY WOLVERTON, on behalf of)
herself and all other persons similarly)
situated, known and unknown,)
)
Plaintiff,)
)
v.)
)
)
DIVERSIFIED RESTAURANT)
HOLDINGS, INC., and ANKER,)
INC.,)
)
)
Defendants.)**

Case No. 2:14-cv-11333

Judge Roberts

Magistrate Judge Grand

**ORDER APPROVING JOINT STIPULATION REGARDING
PLAINTIFF'S MOTION TO AUTHORIZE NOTICE TO SIMILARLY-
SITUATED PERSONS PURSUANT TO 29 U.S.C. § 216(B)**

Upon reading the joint stipulation filed by Plaintiff on December 3, 2014,
and the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that by December 8, 2014, Defendants must provide Plaintiff's counsel with two spreadsheets: the first will list the names, last known addresses, and work location for each potential opt-in plaintiff employed from November 1, 2011 through August 26, 2012. The second will list the names, last known addresses, dates of employment, and work location for each potential opt-in plaintiff employed from August 26, 2012 to date. Both spreadsheets must be produced in Excel format.

IT IS FURTHER ORDERED that Plaintiff's counsel is authorized to mail the notice and consent forms attached as Exhibit A to the joint stipulation to potential opt-in plaintiffs within 21 days of receiving the above contact information for potential opt-in plaintiffs. Potential collective action members will have 60 days to opt in to this lawsuit. On the same date that Plaintiff's counsel mails the notice and consent forms to Defendants' tipped employees, Defendants will distribute copies of the same notice and consent forms to each of their current tipped employees through the electronic system Defendants use to distribute earnings statements to current employees titled "mypay." Defendants will ensure that the notice and consent forms remain posted for 60 days on Defendants' electronic system used to distribute earnings statements. Upon the expiration of the 60 day notice period, Defendants must file an affidavit with the Court attesting that the notice was continually available for 60 days on Defendants' electronic system used to distribute earnings statements.

IT IS FURTHER ORDERED that Plaintiff's pending Motion to Authorize Notice to Similarly-Situated Persons Pursuant to 29 U.S.C. § 216(b) is withdrawn and Plaintiff will not seek class certification of her Michigan state law claim. Defendants reserve their rights to move to decertify this conditionally certified Fair Labor Standards Act collective action, at stage two, after the close of merits discovery.

IT IS SO ORDERED.

Dated: December 5, 2014

S/Victoria A. Roberts
U.S. DISTRICT COURT JUDGE